

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re WELLS FARGO RESIDENTIAL  
MORTGAGE LENDING DISCRIMINATION  
LITIGATION

M: 08-CV-1930 MMC

**ORDER DENYING PLAINTIFFS'  
ADMINISTRATIVE MOTION TO FILE  
DOCUMENT UNDER SEAL**

This Document Relates To:

ALL ACTIONS

Before the Court is plaintiffs' Administrative Motion Re: Sealing Order, filed November 6, 2009, by which plaintiffs seek leave to file under seal the First Consolidated and Amended Class Action Complaint ("Amended Complaint"). Having read and considered the motion, the Court rules as follows.

Plaintiffs seek leave to file the Amended Complaint under seal on the ground it "references information deemed confidential" by defendant. (See Admin. Mot. at 2:7.) Under the Local Rules of this District, where a party seeks to file under seal any material designated as confidential by another party, the submitting party must file a motion for a sealing order. See Civil L.R. 79-5(d). "Within five days thereafter, the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality." Id. "If the designating party does not file its

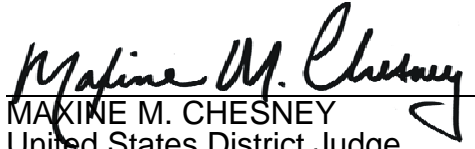
1 responsive declaration as required by this subsection, the document or proposed filing will  
2 be made part of the public record.” Id.

3 Here, the asserted designating party, defendant, has not filed a responsive  
4 declaration within the requisite time.

5 Accordingly, the administrative motion is hereby DENIED, and plaintiff shall file the  
6 Amended Complaint in the public record.<sup>1</sup>

7 **IT IS SO ORDERED.**

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9 Dated: December 4, 2009

  
MAKINE M. CHESNEY  
United States District Judge

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<sup>1</sup>By separate order filed concurrently herewith, the Court has directed plaintiffs to file the Amended Complaint no later than December 7, 2009.